

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Haz-Pros, Inc.

Petition No. 2001-0126-053-004

**CONSENT ORDER**

WHEREAS, Haz-Pros, Inc. of West Hartford, CT (hereinafter "respondent") has been issued license number 000055 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about the fall of 2000, the respondent was the licensed asbestos contractor for an asbestos abatement project at three vacant building at 19-21, 22-24 and 26-28 Mortson Street, Hartford, CT (hereinafter collectively, "the property"). Said project involved the removal of the following asbestos containing materials: 49,500 square feet of plaster, 4,730 square feet of floor covering and ten square feet of gaskets. Two of the buildings on the property were adjacent to an elementary school and students used the rear yard of these buildings as a short cut.
2. On or about October 5, 2000, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or high efficiency particulate air (hereinafter "HEPA") vacuuming to remove all asbestos debris in that a Department investigator observed

work crews exit from two of the buildings for a lunch break without decontaminating themselves;

- b. failed to properly construct and maintain a worker decontamination system in that two of the decontamination systems did not contain a working supply of warm water for the shower. In addition, these two systems did not contain a clean room for workers to change into their street clothes. A third decontamination system had been dismantled prior to satisfying Connecticut's reoccupancy criteria in Section 19a-332a-12 of the Regulations of Connecticut State Agencies;
- c. failed to label all asbestos waste containers with applicable generator information;
- d. failed to adequately wet all asbestos containing materials to be removed or disturbed by removal in that one of respondent's employees reported to a Department investigator that there was no source of water in the asbestos abatement work areas at the time of the inspection. Pump spray bottles had not been unloaded from an equipment truck and filled with water for use in the work areas;
- e. failed to place all asbestos containing waste in leak-tight containers for disposal in that a substantial amount of waste had been loaded from the building directly into open top dumpsters and a Department investigator observed plaster debris on the ground outside of two of the buildings;
- f. failed to properly isolate the work areas from the non-work areas with air-tight barriers attached securely in place in that a Department investigator observed numerous breaches at window and door openings to the three buildings on the property;
- g. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing;
- h. failed to repeat the sequence of high efficiency particulate air (HEPA) filtered vacuuming and wet cleaning until no visible residue is observed in the work area in

that a Department investigator observed plaster debris on the first floor of one of the buildings on the property;

- i. failed to cover all applicable floor surfaces with two layers of polyethylene sheeting or the equivalent in that a Department investigator observed that the floor surfaces had not been covered on the first level of each of the buildings on the property;
  - j. failed to post asbestos warning signs at all approaches to the work areas to permit a person to read the signs and take precautionary measures to avoid exposure to asbestos; and
  - k. failed to provide negative pressure ventilation units with HEPA filtration (collectively, hereinafter "units") in sufficient number to allow at least one work place air change every fifteen minutes in that there were no units operating in one of the buildings on the property.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with the Regulations of Connecticut State Agencies, §§19a-332a-1, 19a-332a-2(a), 19a-332a-5(a), 19a-332a-5(c), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6, 19a-332a-7(a) and 20-440-6(b).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000055 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of seventeen thousand and five hundred and fifty dollars (\$17,550.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.

9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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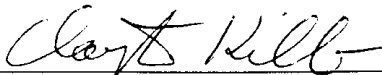
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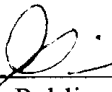
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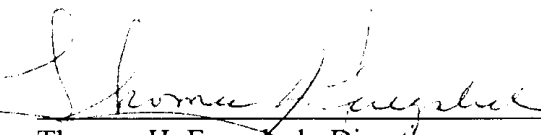
I, Clayton Kilbourn, President of Haz-Pros, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Haz-Pros, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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Clayton Kilbourn, President

Subscribed and sworn to before me this 15 day of March 2001.

  
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GREGORY B. GRINSFELDER  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 2/28/2004  
Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the  
Commissioner of the Department of Public Health on the 22<sup>nd</sup> day of  
March 2001, it is hereby accepted.

  
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Thomas H. Furgalack, Director  
Division of Environmental Health

s:llf/hazpro01  
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